

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JESSE COLLINS,

Petitioner,

v.

DERRAL ADAMS, Warden,

Respondent.

CV F 05-00541 OWW DLB HC

ORDER DIRECTING PETITIONER TO  
SUBMIT FURTHER BRIEFING IN  
RESPONSE TO HIS OBJECTIONS TO  
FINDINGS AND RECOMMENDATIONS

[Doc. 29]

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On January 13, 2006, Respondent filed a motion to dismiss the petition, and Petitioner filed an opposition on February 22, 2006. (Court Docs. 16, 19.) On April 10, 2006, the Court granted Petitioner thirty days to submit further evidence in support of his claim for equitable tolling based on his medical condition. (Court Doc. 24.) Petitioner did not respond to the Court's order. On June 28, 2006, the undersigned issued Findings and Recommendations recommending that Respondent's motion to dismiss be granted. (Court Doc. 26.) Petitioner filed objections to the Findings and Recommendations on October 4, 2006. (Court Doc. 29.) In his objections, Petitioner contends that he has "tried repeatedly to obtain documents from the California Substance Abuse Treatment Facility Medical Department, and his requests has not been excepted or adhered to." (Court Doc. 29, at 1.) Petitioner contends that he has not been able to obtain any documents because the medical department is not providing his the proper

1 assistance. (Id.) Petitioner requests that the Court either decide the matter or direct the prison  
2 staff to provide such requests to Petitioner. The Court finds that even if found merit to  
3 Petitioner's claim to order Respondent to provide further documentation to Petitioner, Petitioner  
4 has not stated what he has done to obtain such documents, what the documents consist of, and  
5 whose has possession of the documents. Without such information, the Court cannot determine  
6 whether further briefing in this matter is necessary.

7 Accordingly, IT IS HEREBY ORDERED THAT:

- 8 1. Within **fifteen (15)** days from the date of service of this order, Petitioner shall  
9 provide further briefing in support of his objections setting forth what efforts he  
10 has engaged in to obtain said documents, describe what the documents consist of  
11 and whose has possession of said documents; and  
12 2. Failure to comply with this order will result in the Court submitting the Findings  
13 and Recommendations to the District Judge for review.

14  
15 IT IS SO ORDERED.

16 **Dated: December 11, 2006**  
17 3b142a

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE